

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

| | | |
|-------------------|---|-------------------------------------|
| Raymond Chestnut, |) | Civil Action No.: 1:21-cv-03766-RBH |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| Director Rhodes |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

This matter is before the Court for review of the Report and Recommendation ("R&R") of United States Magistrate Judge Shiva V. Hodges, who recommends dismissing Petitioner's 28 U.S.C. § 2241 petition without prejudice and without requiring Respondent to file an answer or return.¹ *See* ECF No. 6.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court must conduct a de novo review of those portions of the R & R to which specific objections are made, and it may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Petitioner has not filed objections to the R&R, and the time for doing so has expired.² In the absence of objections to the R&R, the Court is not required to give any explanation for adopting the

¹ The Magistrate Judge issued the R&R in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.).

² Petitioner's objections were due by December 6, 2021. *See* ECF Nos. 6 & 7.

Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

Having found no clear error, the Court **ADOPTS** the Magistrate Judge's R&R [ECF No. 6] and **DISMISSES** Petitioner's § 2241 petition *without prejudice* and without requiring Respondent to file an answer or return.

IT IS SO ORDERED.

Florence, South Carolina
December 21, 2021

s/ R. Bryan Harwell
R. Bryan Harwell
Chief United States District Judge